

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.) No. 3:06-CR-03
) JUDGE PHILLIPS
THOMAS ALVA AUSTIN,)
)
Defendant.)

- (a) Compaq Presario Notebook Computer, serial number SCNF5341KVK;
- (b) \$12,750.00 in United States currency;
- (c) \$1,119.78 in United States currency; and
- (d) 1998 Dodge 1500 Ram, VIN 1B7HF16Z9WS646986.

AND WHEREAS, a Plea Agreement was filed with the Court on March 2, 2006, wherein the Defendant, THOMAS ALVA AUSTIN, pled guilty to Counts One, Six, and Seven of the Indictment charging him with violations of Title 18, United States Code, Section 1951(a) and agreed to forfeit his interest in the following properties:

- (a) \$13,869.78 in United States currency;¹
- (b) Compaq Presario Notebook Computer, serial number SCNF5341KVK; and
- (c) 1998 Dodge 1500 Ram, VIN 1B7HF16Z9WS646986.

AND WHEREAS, on March 29, 2006, this Court accepted the guilty plea of the Defendant, THOMAS ALVA AUSTIN, and by virtue of said guilty plea and conviction, the Court has determined that the properties identified above are subject to forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(c); 1956(c)(7); 1961(1); Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853(p) as incorporated in Title 28, United States Code, Section 2461(c), and that the United States has established the requisite nexus between the property and the aforesaid offenses. Further the United States is now entitled

¹ \$13,869.78 in United States currency is the total amount of currency which is to be forfeited in the above-referenced case pursuant to the agreement of the parties as expressed in the Plea Agreement, accepted by this Court. In the Indictment, the amounts were listed separately as \$1,119.78 in United States currency and \$12,750.00 in United States currency.

to seize said properties, pursuant to Title 21, United States Code, Section 853(g) and Rule 32.2(b) of the Federal Rules of Criminal Procedure;

The Defendant, THOMAS ALVA AUSTIN, further agrees that he will sign a Consent Decree for Forfeiture and agrees to forfeit the following properties in a separate civil forfeiture action:

- (a) 1998 Dodge 1500 Ram, VIN 1B7HF16Z9WS646986; and
- (b) \$1,119.78 in United States currency.

Accordingly, it is hereby ORDERED, ADJUDGED AND DECREED:

1. That based upon the conviction of Defendant, THOMAS ALVA AUSTIN, under Title 18, United States Code, Section 1951(a), the United States is hereby authorized to seize the following properties and the same are hereby forfeited to the United States for disposition in accordance with law, subject to the provisions of Title 21, United States Code, Section 853(h):

- (a) \$12,750.00 in United States currency; and
- (b) Compaq Presario Notebook Computer, serial number SCNF5341KVK.

2. That the aforementioned forfeited properties are to be held by the United States Marshals Service in their secure custody and control.

3. That pursuant to Title 21, United States Code, Section 853(n)(1), the United States Marshal forthwith shall publish at least once for three consecutive weeks in a newspaper of general circulation, notice of this Order, notice of the Marshal's intent to dispose of the properties in such manner as the Attorney General may direct and notice that any person, other than the Defendant, having or claiming a legal interest in any of the above-listed forfeited

properties must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.


4. This notice shall state that the petition for a hearing to adjudicate the validity of the petitioner's alleged interest in the property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title and interest in each of the forfeited properties, the time and circumstances of the petitioner's acquisition of the right, title and interest in the property and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person, as a substitute for published notice as to those persons so notified.

5. That upon adjudication of all other or third-party interests in said properties, this court will enter a Final Order of Forfeiture pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to the Federal Rules of Criminal Procedure 32.2(e).

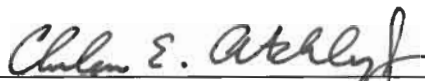
7. That the Clerk of this Court shall provide a certified copy of this Order to the United States Marshals Service and to the United States Attorney's Office.

ENTER:


THOMAS W. PHILLIPS
UNITED STATES DISTRICT JUDGE

Submitted by:

JAMES R. DEDRICK
Acting United States Attorney

By: 
CHARLES E. ATCHLEY, JR.
Assistant United States Attorney


THOMAS ALVA AUSTIN
Defendant


GREGORY P. ISAACS
Attorney for Thomas Alva Austin


TERROLD L. BECKER
Attorney for Thomas Alva Austin